

REMARKS

Claims 1-9 have been examined, and have been rejected under 35 U.S.C. § 112, second paragraph, as well as under 35 U.S.C. § 102(b).

I. Preliminary Matters

The Examiner has not acknowledged the drawings submitted on October 13, 2000. Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether such drawings are acceptable.

The Examiner maintains that the Black publication, cited in the October 13, 2000 Information Disclosure Statement, has not been considered, because the Applicant did not provide a copy of pgs. 159-179 of the publication. Applicant submits that a copy of the publication pages was originally submitted with the IDS, along with the other listed documents, as evidenced by the PTO mailroom receipt stamp on the enclosed copy of the filing receipt. However, in order to expedite prosecution, Applicant submits herewith a second copy of the cited pages, along with the original 1449 form, so that the Examiner can initial the citation of the Black publication.

The Examiner notes that the October 13, 2000 Preliminary Amendment indicates to delete the paragraph on pg. 3 lines 3-10, but a paragraph does not begin at line 3. Applicant intended to refer to the paragraph beginning on line 7. Due to the confusion, Applicant is resubmitting the specification change in the current Amendment. Applicant submits that no question of new matter or questions of further search arise.

Further, the Examiner has objected to the specification as containing references to the claims. Accordingly, Applicant has amended the specification, as suggested by the Examiner. Applicant submits that no question of new matter or questions of further search arise.

II. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite, and due to antecedent basis errors. Accordingly, Applicant has amended claims 1-9 and submits that such changes do not narrow the scope of the claims, and therefore, do not implicate an estoppel in the application of the doctrine of equivalents.

Further, on pg. 3 of the Office Action, the Examiner maintains that “at least one additional data bank” and “means” of claim 1 lack antecedent basis. However, the recitation of “at least one” introduces the additional data bank. Since the phrase does not initially recite “the” at least one additional data, Applicant submits that such recitation is proper. Similarly, the “means” is not initially recited as “the means”. Accordingly, the first recitation of the “means” is not an antecedent basis error. If the Examiner maintains the rejection of these two features, Applicant respectfully requests the Examiner to contact the undersigned for clarification of the Examiner’s understanding in order to avoid an additional rejection under 35 U.S.C. § 112.

III. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,831,975 to Chen et al. ("Chen").

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a data bank in each lower network level network node that keeps connection data available for a closer environment. Further, an additional data bank is assigned to a lower network level network node, the additional data bank for keeping connection data available for a wider environment.

The Examiner maintains that the Chen reference discloses the above features. Chen discloses that each node in a lower level peer group has a database therein (Fig. 1; col. 5, lines 34-36). Chen, however, fails to disclose that one of the nodes in the peer group is assigned an additional database (i.e. data bank), that contains connection data for a wider environment. Rather, Chen merely discloses that the database in every lower level node contains topology information regarding all nodes within a peer group, as well as aggregate information of other peer groups (col. 5, lines 24-37). There is no disclosure that one of the nodes is also provided with an additional database (i.e. data bank) which keeps connection data available for the entire topology network (i.e. a wider environment). In particular, since all aggregate information is already stored in the database in each node, it does not appear that Chen has a need for an "additional" database assigned to a node.

Accordingly, since Chen fails to disclose that an additional database (i.e. data bank) is assigned to a lower level node, Applicant submits that claim 1 is patentable over the cited reference.

Further, as set forth on pg. 2 of the present Application, when a data bank of each network node contains connection data for the whole network, the quantity of data in each network node is large, and maintenance is problematic. On the other hand, as recited in claim 1, the wider environment connection data is maintained in the additional data bank, while the connection data for a closer environment is maintained in the database in each lower network level network node. Such configuration reduces the quantity of data to be stored in each network node. As stated above, Chen discloses that each node database contains information for both its own peer group, as well as aggregate information for the entire network. Therefore, each network node of Chen may contain excessive amounts of data, which can lead to maintenance problems.

Based on the foregoing, Applicant submits that Chen neither discloses nor suggests each and every feature recited in claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-5

Since claims 2-5 contain features that are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as set forth above.

C. Claim 6

Applicant submits that claim 6 is patentable over the cited reference. For example, claim 6 recites means for supporting an exchange of connection data between data banks in network nodes of the underlying network levels for which the higher network level network node is responsible, and means for supporting an exchange of connection data between data banks in other network nodes of the underlying network levels, for maintaining the connection data as respective stored data.

The Examiner acknowledges that Chen fails to disclose the above features, but contends that the above features are inherent in a PNNI. The Examiner further maintains that “flooding” is the mechanism used for advertising links in a PNNI topology to propagate information node by node in a peer group (pg. 7 of Office Action).

Applicant submits that the above features are not inherent in the Chen reference. In regard to “flooding”, the reference discloses that each node of a peer group periodically floods topology state information within its peer group (col. 5, lines 22-29). However, periodically flooding topology state information within a peer group fails to teach or suggest a higher level

network node having a means for supporting exchange of connection data between data banks in network of underlying network nodes for which the higher level network node is responsible.

If the Examiner wishes to persist in the above rejection, Applicant respectfully requests that the Examiner cite a reference in support of her position.

D. Claims 7-9

Since claims 7-9 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Newly Added Claims

Applicant has added claim 10 to provide more varied protection for the present invention.

V. Conclusion

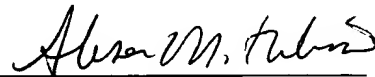
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/689,857

Attorney Docket No.: Q60899

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: **August 19, 2004**